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UNCLAS SECTION 01 OF 03 LISBON 000534

SIPDIS

DEPT FOR CA/FPP
DHS FOR CIS/FDNS

E.O. 12958: N/A

TAGS: CMGT KFRD ASEC CVIS CPAS PO
SUBJECT: FRAUD SUMMARY - PORTUGAL

REF: (A) LISBON 000400 (B) LISBON 000239

a. COUNTRY CONDITIONS: Portugal has been a member of the European Union since 1986 and a member of the U.S. Visa Waiver Program (VWP) since 1999. The country has a relatively homogeneous population of 10.7 million and one of the lowest crime rates in Western Europe.

Although Portugal had for centuries been a country of net emigration, during the past twenty years emigration has slowed to a trickle and the country instead has become a destination for increasing numbers of immigrants from outside the European Union. Traditionally boasting one of the lowest crime rates in Western Europe, 2008 statistics show an increase in every significant category across the criminal index. This trend has held steady through both quarters of 2009. General crime increased by more than seven percent while violent crime increased 10 percent with crime in Lisbon alone accounting for 40 percent of the increase. Some members of law enforcement attribute this to increased unemployment, specifically among immigrants. Others cite the economic crisis in general, and some believe that youth gangs in the larger cities are simply becoming more brazen.

Approximately 100,000 foreign nationals are estimated to be residing in Portugal illegally, in addition to the approximate 500,000 legal residents. Immigration and visa- related fraud detected in Portugal usually takes the form of attempts by foreign nationals--most notably, persons from Brazil, Eastern European countries and former Portuguese colonies in Africa--to enter Portugal surreptitiously or to move from Portugal to more prosperous countries, both inside and outside of the European Union. Recent statistics from the Portuguese Immigration Service (Servico de Estrangeiros e Frontieras) [SEF]) show that Brazilians, who do not need a visa to enter Portugal, represent 71.5 percent of illegal residents in the country. In terms of fraudulent documents, SEF's detection rates were highest for nationals of Colombia, Senegal, Guinea Bissau, and Venezuela, in that order.

b. NIV FRAUD: Portuguese nationals with machine readable passports do not require visas for tourist or business travel to the U.S., as they may travel under the VWP. Embassy Lisbon's average refusal rate across all nationalities was 14.67 percent in FY 2009 and 13.20 percent since the last fraud cable. Consulate Ponta Delgada's average refusal rate across all nationalities was 12.54 percent for FY 2009 and 14.29 percent since the last reporting period.

Lisbon receives from DHS approximately 15 I-275's per month and Ponta Delgada receives about three. Lisbon encounters approximately three applicants per week who have been denied VWP entry by CBP while Ponta Delgada sees about three per month. It is not lost on either Post that these numbers strongly correlate with the number of 'turn arounds' at the borders. Of these applicants, we refuse about two-thirds 214(b) after having confirmed suspicions of living and/or working in the U.S. courtesy of the VWP. Lisbon and Ponta Delgada see another 20 or so applicants a month who were not denied entry, but who were advised upon departure to seek a visa for future travel due to suspect travel patterns. Of these applicants, both Posts estimate that 50 percent are refused 214 (b) with elderly Portuguese nationals veritably living with children in the US making up the bulk of the intending immigrants.

Post has detected no crew-related fraud since the implementation of a fraud prevention process by which we confirm the employment of all crew members directly with their employers. The process includes a pre-screening of all shipping or transportation companies requesting

visas on behalf of their employees. Post maintains exemplars of all letterhead and company-approved signatures against which the confirmations are compared.

c. IV FRAUD: IV fraud is generally low in Portugal and demand for immigrant visas is not great. Post sees quite a few third country nationals, however, primarily applicants from the former Portuguese colonies but increasingly also from Eastern Europe and from other countries requiring clearance procedures. These cases require extra vigilance in terms of the validity of documents with which we have little or no familiarity. When in doubt, we often use CCD resources or reach out to colleagues in relevant Posts. In some of the family-based immigration claims, parents left behind small children to be raised by relatives. This makes for scant evidence in terms of photos, letters, or even memories to assist in determining the bona fides of the relationship.

d. DV FRAUD: Post has not uncovered any fraud attempts related to DV applications during this reporting period.

e. ACS AND PASSPORT FRAUD: Counterfeit U.S. passports are detected in Portugal on occasion. No new incidents of ACS or passport fraud were detected in the first half of 2009.

f. ADOPTION FRAUD: Post processes very few adoption cases and no adoption-related fraud has been detected this reporting period.

g. USE OF DNA: In this quarter, Post has had three cases such as those described under section c, in which the suggestion of DNA testing seemed the best vehicle via which to draw a conclusion. However the applicants did not decide how to proceed before the release of STATE 097431. The new measures juxtaposed with the relative infrequency of this issue here have raised a cost/benefit question not yet fully addressed.

h. ASYLUM AND OTHER DHS BENEFITS FRAUD: Post processes only one or two asylum cases per year, reflecting the small number of persons

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who attempt to claim asylum in Portugal (fewer than 100 per year.) No new asylum cases were received during this period.

i. ALIEN SMUGGLING: Post is the official NIV application point for Guinea Bissau and also often sees diplomatic visa requests from other nations where document integrity is not reliable. Although these cases occasionally take more time and attention, no 6E cases have been confirmed this quarter.

SEF has recently increased efforts to uncover human smuggling rings and punish perpetrators via increasingly-stiff penalties. The GOP cooperates with other European Union countries in these pursuits. REFTEL A details how local authorities recently dismantled a Ukrainian fraud ring called "A Central." The group's main activity was the smuggling of people from Eastern European countries, mainly Ukraine, into Portugal, Spain and Italy. The ring produced counterfeit documentation, provided false U.S. and international driver's licenses and issued false labor contracts in the course of their illicit activities. REFTEL A generated interest from the Department of Justice, which requested more information in hopes of catching up with facilitators in the U.S.

Just a few weeks later, GOP uncovered and prosecuted a Moldovan fraud ring comprised of 13 Moldovans and one Portuguese citizen. The resultant prison sentences ranged from five to 23 years.

j. DS CRIMINAL FRAUD INVESTIGATIONS: There are no current fraud investigations.

k. HOST COUNTRY PASSPORT, IDENTITY DOCUMENTS, AND CIVIL REGISTRY: Portugal has made great strides in upgrading the security of its identity documents over the past ten years. Portuguese passports have had digital photos and machine-readable passports since January 1, 2001, leaving only another year of current passports susceptible to photo-subbing. On August 26, 2006, the GOP began issuing electronic chip passports.

Per REFTEL B, the GOP and the Australians have reported imposters boarding flights with valid Portuguese passports. There have also been reports of issues with altered Portuguese passports. Additionally, mala fide travelers have presented altered Portuguese residency cards although the GOP's upgrade in 2005 to plastic cards with flush photos rather than paper cards with pasted photos has greatly increased integrity of that document.

l. COOPERATION WITH HOST GOVERNMENT AUTHORITIES: Cooperation with host government authorities remains excellent. The Government of Portugal shares U.S. concerns about document fraud and is mindful of

the need to remain vigilant in this area, both to protect its citizens and to preserve Portugal's highly-valued participation in the Visa Waiver Program.

In June 2009 Secretary of State Clinton and the Portuguese Minister of Foreign Affairs exchanged the instruments of ratification concerning the U.S-Portugal Agreements on Extradition and Mutual Legal Assistance. The bilateral instruments aim at implementing the 2003 U.S.-EU Extradition and Mutual Legal Assistance Agreements.

The Agreement on Extradition modernizes the 1908 Extradition treaty between the U.S. and Portugal. Among the most important features is a provision replacing outdated lists of extraditable offenses with the dual criminality approach. It also allows extradition for a broader range of offenses and for newer ones. The Agreement contains a series of significant improvements to expedite the extradition process.

Prior to these advances, no bilateral law enforcement treaty existed between the United States and Portugal in the area of mutual legal assistance. The current mutual legal assistance instrument reflects the high level of bilateral cooperation here and exemplifies on-going efforts to meet the obligations arising from the U.S.-EU Agreement.

In June 2009, DHS Secretary Janet Napolitano visited Lisbon to meet with the Portuguese Foreign, Interior and Justice Ministers. After the roundtable meeting, Sec. Napolitano and the Interior and Justice ministers signed a bilateral agreement on Preventing and Combating Crime (PCC) that will allow the exchange of information on biometrics, criminal history records, and terrorism. The USG initially proposed this agreement (under the name "Preventing and Combating Serious Crime") to the GOP in 2008 as part of enhanced security arrangements mandated by the 9/11 Act for VWP countries.

m. AREAS OF PARTICULAR CONCERN: As noted in REFTEL B, post occasionally sees employment-based IVs seemingly being used in lieu of a family-based immigration option. Typically, a cousin in the United States will over-inflate the size and solvency of the US-based business. Additionally, the applicants in these cases do not tend to possess training or schooling logical to the intended "position." While not prevalent enough to be legitimately called a trend, Post did return to DHS during this reporting period one such petition with a recommendation for revocation. Post is grateful to KCC for pro-actively researching and highlighting inconsistencies in the Petitioner's claims. Post has noticed a particular immigration attorney's name attached to cases of this ilk and is employing Watch Phrase and other Department and CCD resources in search of common threads. We will report back if something solidifies.

Something that is not strictly fraud perpetrated against Post but

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which merits mention due to frequency is the number of scams against ESTA registrants. Internet sites pop up bearing striking resemblances to the legitimate USG site. The sites collect the unwitting applicant's personal and financial information. In the best case scenario, the entrepreneurial owners of the site properly register applicants with ESTA, and extract a one-time fee. On the other end of the scale is full-fledged identity theft. Post tries to report and shut down such sites, but it is akin to playing whack-a-mole. Post is proud to note that 100 percent of email inquiries receive a personal response within two working days. We can, therefore, sometimes stop this problem before it starts. Additionally, since the official ESTA launch, Post has placed ads, done outreach, and posted warnings on our web site in hopes of reinforcing to the public that such sites are neither legitimate nor necessary.

n. STAFFING AND TRAINING PATTERN: Laura Chamberlin is Embassy Lisbon's Visa Unit Chief and Fraud Prevention Manager and will soon be Visas Viper Program liaison. She completed the Advanced Consular, Advanced Namechecking, and Fraud Prevention Manager courses in Spring 2009. Margarida Gomes is Embassy Lisbon's Legal Advisor and has completed various anti-fraud training courses, including the PC-542 "FSN Fraud Prevention Workshop" in November of 2004. Jeanette Rebert is Consulate Ponta Delgada's Consular Section Chief (both Visa and ACS units), FPM and Visa Viper Program liaison. She completed the Advanced Consular and Advanced Namechecking courses in March 2006

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